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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,576	11/01/2000	Fukuharu Sudo	450101-02387	9090

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

HAN, QI

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 08/24/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/674,576

Applicant(s)

SUDO ET AL.

Examiner

Qi Han

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6,7,9,11 and 23-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2-3, 6-7, 9,11 23-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendments

2. This communication is responsive to the applicant's response dated 06/07/2004 (Paper 13). Applicant amended claims 2-3, 6-7, 9,11, 23 and 25-27, and canceled claims 4-5.

Response to Arguments

3. Applicant's arguments with respect to claims 2-3, 6-7, 9,11 23-28, have been fully considered but are moot in view of the new ground(s) of rejection, since the new amended independent claims introduce new issue(s) and/or new subject matter(s).

Claim Rejections - 35 USC § 112

Claims 23 and 25-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 23 and 25-27, the claims include the new amended limitation of “**successively** transmit a series of input speech information”, “**the series of input speech information including previous, current and subsequent input speech information**”, “... the

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match that determines the content selection information of subsequent input speech information” and “a number of the calculated similarity of acoustic characteristic quantities, exceeds a predetermined number”, which introduces new subject matter(s) because the limitation is not specifically supported by the original claims and the specification.

Claim Rejections - 35 USC § 103

4. Claims 2-3, 9, 11, 23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin et al. (US 6,185,535) hereinafter referenced Hedin, in view of Ranger (US 5,999,940).

As per **claim 23**, as best understood in view of the rejection under 35 USC 112, 1st (see above), Hedin discloses a voice control of a user interface to service applications (title), comprising:

a client configured to successively transmit a series of input speech information to a server over a network, the series of input speech information including previous, current and subsequent input speech information, (Fig. 1a and column 4 line 44 to column 5 line 33, ‘client part 101’, ‘server part 103’, ‘data that communicated over the first digital link 105’ that inherently includes a network; column 2, lines 59-60, ‘the unrecognized portion of the audio input signal (herein interpreted as the series of input speech information including previous, current and subsequent input speech information) is formatted in a data unit that is communicated (herein interpreted as successively transmitted) to a remote application part (server part)’; column 6, line 66, ‘the TAP (terminal application part) functions as a voice-oriented browser’); and

a server configured to receive the successively transmitted series of input speech information from said client, and to generate contents selection information in response to the series of input speech information, (Fig. 3 and column 6 lines 20-39, 'remote application part (RAP) 205(server)', 'external services and content (ESC) 207'; column 8 line 56 to column 9 line 57, 'speech recognition', 'provide (generate) information and content over the Internet', 'it may be provided with a list of recognizable TP commands' that is interpreted as contents selection information; column 10 line 30 to column 11 line 40, 'part of a menu' and 'complete menu' that also corresponds to contents selection information),

wherein said server generates the contents selection information for each stage of the transmission of the series of input speech information by calculating the similarity of acoustic characteristic quantities between the current input speech information and the contents selection information generated for the previous input speech information, and said server indicating a match when a number of the calculated similarity of acoustic characteristic quantities exceeds a predetermined number, such that the match determines the contents selection information of the subsequent input speech information (Fig. 3 and column 9, line 25 to column 11 line 40, 'To perform speech recognition, the RAP's exemplary ASR 307 includes the feature vector (read on acoustic characteristic quantities) extraction unit 309, a feature matching (read on calculating the similarity) and decision unit 311 and RAP reference database 313 (read on the contents selection information generated for the previous input speech information)', 'compares the feature vector... and indicates (read on indicating a match that determines the content selection information of subsequent input speech information) on output lines whether the input word(s) was/were recognized', 'In addition to being able to recognize isolated words, the RAP's ASR

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307 may also have capability of recognizing (inherently including matching similarity of acoustic characteristic quantities) continuous speech'.)

Even though, Hedin suggests that the system provides the contents selection information (as state above), Hedin fails to expressly disclose that the server indicating a match “when a number (herein interpreted as a number of the corresponding contents for the selection) of the calculated similarity of acoustic characteristic quantities exceeds a predetermined number”. However, this feature is well known in the art as evidence by Ranger who discloses a interactive information discovery tool and method to gather information dynamically from one or more data sources (abstract), comprising a predefined threshold parameter ‘N’ for comparing the number of content items and indicating how many contents items must be present in order to trigger the automatic content analysis (column 19, lines 48-52, and Fig. 7 block 700). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Hedin by specifically providing a test condition based on whether the number of content items is greater than a predefined threshold, as taught by Ranger, for the purpose of triggering different further operations.

As per **claim 2** (depending on claim 23), Hedin in view of Ranger further discloses the client includes speech recognition means for performing speech recognition on said series of input speech information, (column 4, line 66 to column 5, line 11, ‘the client part 101 includes a simple ASR (automatic speech recognition)’, ‘a menu item’, ‘recognizing a small number isolated words (read on the series of input speech information)’).

As per **claim 3** (depending on claim 23), Hedin in view of Ranger further discloses said server includes speech recognition means for performing speech recognition on said series of

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input speech information received from said client over the network, (column 9 lines 1-67, 'an ASR 307 that will recognize the TP audio encoded words', 'able to recognize isolated words, ... may also have capability of recognizing continuous speech' that includes series of input speech information).

As per **claim 25**, it recites a client for a content selection system. The rejection is based on the same reason described for claim 23, because claim 25 recites same or similar limitation(s) as claim 23.

As per **claim 9** (depending on claim 25), the rejection is based on the same reason described for claim 2, because claim 9 recites same or similar limitation(s) as claim 2.

As per **claim 26**, it recites a server for a content selection system. The rejection is based on the same reason described for claim 23, because claim 26 recites same or similar limitation(s) as claim 23.

As per **claim 11** (depending on claim 26), the rejection is based on the same reason described for claim 3, because claim 11 recites same or similar limitation(s) as claim 3.

As per **claim 27**, it recites a content selection method. The rejection is based on the same reason described for claim 23, because claim 27 recites same or similar limitation(s) as claim 23.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin in view of Ranger, and further in view of Ladd et al. (US 6,493,671) hereinafter referenced Ladd.

As per **claim 6** (depending on claim 2), Hedin in view of Ranger does not expressly disclose a verifying mechanism for speech recognition as the claimed "said speech recognition means includes means for verifying whether or not the speech recognition on said series of input

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speech information has been made correctly, such that If the speech recognition is verified by said verification means to be made correctly, then said series of input speech information, processed with the speech recognition means, is output, and if the speech recognition is verified by said verification means not to be made correctly, then speech recognition to output the series of speech information processed with said speech recognition means.” However, this feature is well known in the art as evidence by Ladd who discloses a markup language for interactive service to notify a user of an event and methods thereof, comprising a voice browser 250 (Fig. 3) (column 7, line 6) and an automatic speech recognition (ASR) unit 254, 12-37), and the “DIALOG” element and the associated “STEP” element of a markup language define a dialogue interpretation between the voice browser and user, including “confirm” element (column 18, lines 1-39) for allowing user verifying the spoken content. Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Hedin in view of Ranger by specifically providing a verifying mechanism for speech recognition, as taught by Ladd, for the purpose of increasing speech recognition accuracy.

As per **claim 7** (depending on claim 3), as best understood in view of claim rejection under 35 U.S.C. 112 1st and 2nd (see above), the rejection is based on the same reason described for claim 6, because claim 7 recites same or similar limitation(s) as claim 6.

6. Claims 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin in view of Ranger, and further in view of Milsted et al. (US 6,263,313 B1), hereinafter referenced as Milsted.

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As per **claim 24** (depending on claim 23), Hedin in view of Ranger fails to expressly disclose that “the contents selection information includes categories for title, performer, and genre”. However, this feature is well known in the art as evidenced by Milsted who discloses a method and apparatus to create encoded digital content, and further discloses determining the genre of the music selected (column 66, lines 53-54) and a simple browser interface with list of titles, performers or new releases to select from (column 74, lines 39-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hedin in view of Ranger by specifically providing categories for title, performer, and genre, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

As per **claim 28** (depending on claim 27), the rejection is based on the same reason described for claim 24, because claim 28 recites same or similar limitation(s) as claim 24.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any response to this action should be mailed to:

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or faxed to:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (703) 305-5631. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-6954.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh

August 18, 2004


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER